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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,906	01/30/2001	Shahrokh Sadjadi	50325-0511	5989

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HICKMAN PALERMO TRUONG & BECKER, LLP
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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/774,906

Applicant(s)

SADJADI, SHAHROKH

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-30,32-35,37-40 and 42-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-30,33-35,38-40 and 43-49 is/are allowed.
- 6) ☒ Claim(s) 8-15,32,37 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed December 18, 2006. Claims 45-49 are newly added. Claims 8-30, 32-35, 37-40 and 42-49 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 19, 2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-15, 32, 37 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,253,236 issued to Troxel et al. (hereinafter referred to as Troxel) in view of USPN

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6,493,804 issued to Soltis et al. (hereinafter referred to as Soltis) in further view of USPN

5,913,213 issued to Wikstrom et al. (hereinafter referred to as Wikstrom).

Regarding claim 8, Troxel teaches a method of controlling use by concurrent users of a distributed resource on a network, wherein use of the resource is limited to a specified maximum number of concurrent users, the method comprising the computer-implemented steps of:

- providing a lock manager process executing on a host (abstract; col. 1, lines 15-36);
- associating a user identification for each user with one host (figures 4A-D); and
- responding to a request for the resource associated with a first user having a first user identification associated with a first host by requesting a lock from a first local lock manager process executing on the first host (abstract; figure 4D; col. 1, lines 15-36).

However, Troxel does not explicitly teach providing a distributed lock manager process comprising a plurality of local lock manager processes executing on a corresponding plurality of hosts, wherein each of the plurality of local lock manager processes may grant a lock on the same resource; associating a user identification for each user with one host of the plurality of hosts; and responding to a request for the resource associated with a first user having a first user identification associated with a first host of the plurality of hosts by requesting a lock from a first local lock manager process executing on the first host.

Soltis teaches providing a distributed lock manager process comprising a plurality of local lock manager processes executing on a corresponding plurality of hosts (figure 4: clients 105A-N; abstract, col. 2, line 47 to col. 3, line 20), associating a user identification for each user

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with one host of the plurality of hosts (figure 4: clients 105A-N; figures 9 and 10; abstract, col. 2, line 47 to col. 3, line 20);

responding to a request for the resource associated with a first user having a first user identification associated with a first host of the plurality of hosts by requesting a lock from a first local lock manager process executing on the first host (abstract, col. 2, line 47 to col. 3, line 20).

Wikstrom teaches each of a plurality of local lock manager processes may grant a lock on the same resource (col. 6, lines 38-44; lines 54-64; figure 5).

At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teachings of Troxel with the teaching of Soltis and Wikstrom in order to provide decentralized control of shared data, therefore maintaining data consistency.

Regarding claim 9, Soltis teaches a method as recited in Claim 8, wherein during said step of associating a user identification with one host, the first user is associated with the first host based on information indicating that the first user signs onto the network most frequently at a terminal node of the network that uses fewer intervening network devices to pass messages to the first host than to any other host of the plurality of hosts (col. 9, lines 42-60).

Regarding claim 10, Soltis teaches a method as recited in Claim 8, wherein during said step of associating a user identification with one host, the first user is associated with the first host based on information indicating that the first user signs onto the network most frequently at a terminal node of the network geographically closer to the first host than to any other of the plurality of hosts (col. 9, lines 42-60).

Regarding claim 11, Troxel teaches a method as recited in Claim 8, wherein each local lock manager process maintains a lock data structure associated with the resource and the lock data structure includes a local resource maximum field (abstract); and further comprising the steps of generating and storing a value in the local resource maximum field maintained by each local lock manager process such that a summation over all the local lock manager process of the value in the local resource maximum field does not exceed the maximum number of concurrent users (col. 5, lines 20-41).

Regarding claim 12, Troxel teaches a method as recited in Claim 11, wherein a first value in the local resource maximum field maintained by the first local lock manager process is based on a number of users associated with the first host (col. 5, lines 20-41).

Regarding claim 13, Soltis teaches a method as recited in Claim 8, wherein a copy of the distributed resource resides on a host of the plurality of hosts (col. 9, lines 29-41).

Regarding claim 14, Soltis teaches a method as recited in Claim 8, wherein a copy of the distributed resource resides on a computing device that is not among the plurality of hosts (col. 9, lines 29-41).

Regarding claim 15, Troxel teaches a method as recited in Claim 11, further comprising: determining whether a number of outstanding locks granted by the first local lock manager process is less than a particular value stored in the local resource maximum field maintained by

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the first local lock manager process; and if the number of outstanding locks is less than the particular value, then generating and returning a lock object (col. 5, lines 20-41).

Claim 32, 37 and 42 are similar to claim 8 therefore is rejected under the same rationale.

Allowable Subject Matter

Claims 16-30, 33-35, 38-40 and 43-44 are in condition for allowance as indicated in the previous Office Action dated December 1, 2006.

New Claims 45-49 are apparatus claims that feature elements similar to those recited by method Claims 20-24, which are currently in condition for allowance. As a result, for at least the reasons in which Claims 20-24 are allowable over the cited art.

Response to Arguments

Independent claims 8, 32, 37 and 42 are broad, and thus not allowed. Applicant argued that Troxel, Soltis, and Wikstrom fail to teach every feature in the claim. Applicant placed great emphasis on the fact that the references fail to teach "a plurality of local lock manager processes that may each grant a lock on the same resource." The PTO respectfully disagrees and submits that this is taught by Wikstrom as cited in the previous rejection. Specifically, col. 6, lines 38-44 and col. 6, line 54 to col. 7, line 12 discloses a process sending a lock request message to all lock managers. The process is suspended until a granted message is received from all lock managers. This clearly indicates that all lock managers handle the request, which in turn suggests that each one of them may grant a lock on the same resource. In the instant case, the main issue is not

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whether or not two or more managers may grant a lock, but whether they may grant lock on the same resource at the same time, which is not claimed. For at least this reason, claims 8, 32, 37 and 42 cannot be allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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